

ORDINANCE NO. 12-58

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA GRANTING AN EXCLUSIVE LICENSE TO ABD FAMILY INVESTMENTS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, D/B/A SIR PIZZA OF HIALEAH, FOR A TERM OF ONE YEAR, COMMENCING ON OCTOBER 1, 2012 AND ENDING ON SEPTEMBER 30, 2013, WITH ONE ANNUAL RENEWAL, TO SELL AND DELIVER CHEESE PIZZAS AT A REDUCED RATE OR VOLUME DISCOUNT OF \$6.00 EACH FOR EACH PLAIN CHEESE PIZZA AND \$7.00 FOR EACH PEPPERONI PIZZA, AS ORDERED BY THE CITY, IN CONNECTION WITH ACTIVITIES CONDUCTED IN CITY OF HIALEAH PARKS AND RECREATIONAL FACILITIES, IN PAYMENT OF AN ANNUAL SPONSORSHIP FEE OF \$5,000.00, 300 COMPLIMENTARY PIZZAS, 50 REDEEMABLE FREE PIZZA CARDS AT SPECIAL EVENTS AND PROGRAMS, AND IN RECEIPT OF OTHER PROMOTIONAL ITEMS IN CONNECTION WITH SPECIAL EVENTS AND PROGRAMS; AND AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, TO ENTER INTO A LICENSE AND SPONSORSHIP AGREEMENT FOR ONE YEAR WITH AN OPTION TO RENEW FOR AN ADDITIONAL YEAR, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is in the best interest of the City grant a license for one year, with an option to renew for an additional year, with ABD Family Investment, LLC d/b/a Sir Pizza of Hialeah, a Florida corporation, having been the only responsible proposer to a request for proposal and having negotiated terms favorable to the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference thereto as if fully set forth herein.

Section 2: The Mayor and the City Council of the City of Hialeah, Florida hereby grant an exclusive license to ABD Family Investments, LLC, a Florida limited liability company, d/b/a Sir Pizza of Hialeah, for a term of one year, commencing on October 1, 2012 and ending on September 30, 2013, with one annual renewal, to sell and deliver cheese pizzas at a reduced rate or volume discount of \$6.00 each for each plain cheese pizza and \$7.00 for each pepperoni pizza, as ordered by the City of Hialeah in connection with activities in City of Hialeah parks and recreational facilities, in payment of a sponsorship fee of \$5,000.00, 300 complimentary pizzas, 50 redeemable free pizzas cards at special events and programs and in receipt of promotional items in connection with special events and programs.

Section 3: The City of Hialeah, Florida hereby authorizes the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a License and Sponsorship Agreement for one year with an option to renew for an additional year.

Section 4: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed by a civil penalty not

to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 6: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 7: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

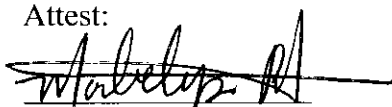
PASSED and ADOPTED this 25 day of September, 2012.

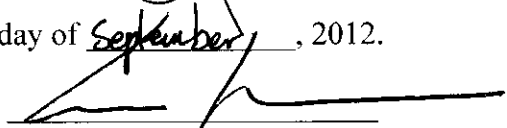
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia-Martinez
Council President

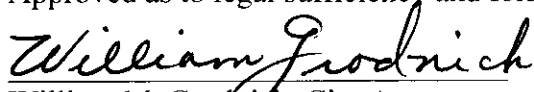
Attest:

Approved on this 26 day of September, 2012.


Marbelys Rubio, Acting City Clerk


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Council
Members, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-
Martinez, Gonzalez, Hernandez and Lozano voting "Yes".